

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION**

**VINCENT ARCENEUX AND  
ROSA ARCENEUX**

**vs.**

**STATE FARM LLOYDS**

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**C.A. NO. 1:19-cv-00579  
(JURY)**

**DEFENDANT STATE FARM LLOYDS' NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

STATE FARM LLOYDS ("State Farm"), Defendant in the above-styled and numbered cause, files this Notice of Removal of the present case from the 58<sup>th</sup> Judicial District Court of Jefferson County, Texas to the United States District Court for the Eastern District of Texas, Beaumont Division. In connection with this Notice of Removal, State Farm would respectfully show the Court as follows:

**I.  
PROCEDURAL BACKGROUND**

1. On October 8, 2019, Plaintiffs filed this action against State Farm in the 58<sup>th</sup> Judicial District Court of Jefferson County, Texas. The state cause number is A-204670 ("State Court Action"). In Plaintiffs' Original Petition ("Original Petition"), Plaintiffs seek monetary relief over \$200,000. (*See* Original Pet. at ¶ 2) State Farm was served on October 16, 2019. State Farm filed its answer on November 8, 2019.

2. In accordance with 28 U.S.C. § 1446, State Farm files this Notice of Removal to remove the State Court Action from the 58<sup>th</sup> Judicial District Court of Jefferson County, Texas to the United States District Court for the Eastern District of Texas, Beaumont Division.

**II.**  
**NATURE OF SUIT**

3. Plaintiffs filed this lawsuit alleging State Farm failed to pay insurance benefits owed to them in accordance with an insurance policy for damage to their home and other property caused by a windstorm. (*See* Original Pet. at ¶¶ 8–12.) Plaintiffs assert causes of action for breach of contract, for violations of Chapters 541 and 542 of the Texas Insurance Code, and breach of the common law duty of good faith and fair dealing. (*Id.* at ¶¶ 24–51.)

**III.**  
**BASIS OF REMOVAL**

4. The Eastern District of Texas has jurisdiction over this action, pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1332, because the parties are diverse and the amount in controversy exceeds \$75,000, exclusive of interests and costs.

5. First, the parties are diverse. At all relevant times, Plaintiffs were, and continue to be, Texas citizens. (*See* Original Pet. at ¶ 3.) State Farm is an association of individual underwriters authorized to conduct business in Texas as a Lloyd’s plan insurer, which is defined and set out in Chapter 941 of the Texas Insurance Code. The citizenship of an unincorporated association is determined by the citizenship of each member of the entity, not by the state where the entity is organized. *Royal Ins. Co. v. Quinn-L Capital Corp.*, 3 F.3d 877, 882–83 (5th Cir. 1993) (finding that a Lloyd’s plan association was not a Texas citizen); *see also Griggs v. State Farm Lloyds*, 181 F.3d 694, 698 (5th Cir. 1999) (finding that State Farm Lloyds is a citizen of Illinois). At all relevant times, State Farm was, and continues to be, an unincorporated insurance association whose underwriters were, and still are, citizens of states other than Texas. (*See* Aff. of Michael Roper attached hereto.) Accordingly, State Farm is not a citizen of the State of Texas.

6. Second, the amount in controversy exceeds \$75,000. Plaintiffs are seeking damages in excess of \$200,000. (*See* Original Pet. at ¶ 2.) Thus, removal to the Eastern District of Texas is proper.

#### **IV. REMOVAL PROCEDURES**

7. On October 8, 2019, Plaintiffs filed this case against State Farm in the 58<sup>th</sup> Judicial District Court of Jefferson County, Texas. State Farm was served on October 16, 2019. State Farm filed its Answer on November 8, 2019. This Notice of Removal is being timely filed on November 15, 2019. Accordingly, this Notice of Removal is timely filed within 30 days of when State Farm received service and within one year from the commencement of this suit. *See* 28 U.S.C. § 1446(b)(1); 28 U.S.C. § 1446(c)(1).

8. The Beaumont Division of the Eastern District of Texas is the proper venue because: (1) Plaintiffs' property, which was allegedly damaged by wind and which forms the basis of Plaintiffs' lawsuit, is located in Jefferson County, 28 U.S.C. § 1391(b)(2), and (2) Plaintiffs' State Court Action was brought, and is pending, in Jefferson County. *See* 28 U.S.C. § 1441(a). Jefferson County is within the jurisdictional limits of the Beaumont Division. *See* 28 U.S.C. § 124(c)(2).

9. All information and documents required by 28 U.S.C. § 1446(a) and by Local Rule 81 to be filed with this Notice of Removal are attached and indexed in Exhibit A. In addition, pursuant to 28 U.S.C. § 1446 (d), a copy of this Notice of Removal will be promptly filed with the Jefferson County District Clerk's Office and served on the Plaintiffs.

10. A jury fee was paid in state court and Defendant hereby requests a jury trial in this cause of action.

**V.**  
**PRAYER**

11. State Farm respectfully requests that the above-styled action now pending in the 58<sup>th</sup> Judicial District Court of Jefferson County, Texas, be removed to this Honorable Court pursuant to the Court's diversity jurisdiction, that upon final trial, judgment be rendered for State Farm and against Plaintiffs, that State Farm recover its costs, and for such other and further relief to which State Farm may be justly entitled.

Respectfully submitted,

**GERMER PLLC**

By:   
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**OF COUNSEL:**

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing instrument was forwarded to all known counsel pursuant to the Federal Rules of Civil Procedure on this the 15<sup>th</sup> day of November, 2019.

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**VIA CM/ECF**

  
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DALE M. "RETT" HOLIDY